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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES OF AMERICA,	Magistrate Case No.
Plaintiff,	'07 MJ 2532
v.	COMPLAINT FOR VIOLATION OF:
Jorge Alberto LUGOS-Cisneros	Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens
Defendant,	

The undersigned complainant, being duly sworn, states:

On or about **October 22, 2007,** within the Southern District of California, defendant, **Jorge Alberto LUGOS-Cisneros** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Maria Elena TORRERO-Sanchez, Jesus BENAVIDEZ-Ayala, and Luis Alberto CASTRO-Benavides** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS ~~24th~~ 29th DAY OF **OCTOBER 2007**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jorge Alberto LUGOS-Cisneros

MJP

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Jesus BENAVIDEZ-Ayala, Luis Alberto CASTRO-Benavides, and Maria Elena TORRERO-Sanchez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On October 22, 2007, at approximately 4:50 AM, while on assigned duties with the Imperial Beach Border Patrol Station's All Terrain Vehicle (ATV) unit, Border Patrol Agent L. Miller responded to a report from the RVSS operator of five (5) individuals running north from the International Boundary Fence with Mexico in the area known as the 'Libertad Hump.' This area is approximately 2.5 miles west of the San Ysidro Port of Entry and approximately 100 yards north of International Boundary Fence with Mexico, and is frequently used by illegal aliens to further their entry into the United States. The RVSS operator reported that there was an individual holding a ladder to facilitate the climbing of the secondary border fence, and that individual ran back into Mexico once the four other individuals climbed over the secondary fence. Agent Miller responded to the area and observed three individuals running north from the secondary border fence into the thick brush of an area known as 'the swamp.' Agent Miller was able to positively identify the individual running in the lead by his dark colored hooded sweatshirt and by his height and stature. This individual was later identified as the defendant **Jorge Alberto LUGOS-Cisneros**. Agent Miller dismounted his ATV and pursued the three on foot. Without losing visual contact of the group, Agent Miller found all three individuals attempting to conceal themselves in the thick brush of the swamp. Because of the subject's actions and the proximity of the International Border with Mexico, Agent Miller conducted an immigration inspection of the three subjects. Agent Miller identified himself as a United States Border Patrol Agent and questioned all three as to their citizenship. All three, including the defendant, stated they were natives and citizens of Mexico, without any immigration documents that would allow them to enter or remain in the United States legally. Agent Miller arrested all three subjects and secured them in a Border Patrol vehicle then began looking for the fourth individual that was observed running from the secondary border fence.

The fourth person observed by RVSS was later discovered a short distance away after activating a seismic intrusion device. Agent Miller identified himself as a Border Patrol Agent and conducted an immigration inspection of the subject. The subject identified herself as a native and citizen of Mexico without any immigration documents that would allow her to enter or remain in the United States legally. Agent Miller arrested the subject, and with the other three aliens transported them to the Imperial Beach Border Patrol Station for processing.

STATEMENT OF DEFENDANT: Jorge Alberto LUGOS-Cisneros

The defendant was advised of his Miranda rights in the Spanish language. The defendant stated that he understood his rights and was willing to answer any questions without an attorney present.

During the interview, the defendant stated that he is a citizen and national from Mexico without any documents that would allow him to enter or remain in the United States illegally. The defendant indicated that he was fully aware that he was in the United States illegally. He stated that the main purpose of him illegally entering the United States was to smuggle three undocumented aliens from Mexico. He also stated that he was well aware that the individuals he was smuggling did not have any documents that would allow them to enter or remain in the United States illegally. The defendant admitted to approaching each of the

CONTINUATION OF COMPLAINT:
Jorge Alberto LUGOS-Cisneros

three undocumented aliens and offered to smuggle them illegally into the United States for about $500.00 US dollar each. The defendant stated that he knew he was already in the United States since he paid $30.00 US dollar per smuggled alien to a "ladder guy" to be allowed to use a ladder to climb the International Boundary Fence as well as the Secondary International Boundary Fence.

STATEMENT OF MATERIAL WITNESS:

The statements of material witnesses **Jesus BENAVIDEZ-Ayala, Luis Alberto CASTRO-Benavides, and Maria Elena TORRERO-Sanchez** agree in summary that they are citizens and nationals of Mexico and illegally present in the United States. They stated that they do not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Mexico to be smuggled into the United States. The material witnesses stated that they were to pay between $2,000.00 to $3,000.00 U.S. dollars to be smuggled into the United States. The three material witnesses were presented with a photo lineup consisting of six different photos. All three material witnesses identified the defendant as the subject that was guiding them.

Executed on October 23, 2007 at 8:30 a.m.

Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **2** pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **October 22, 2007,** in violation of Title **8**, United States Code, Section **1324**.

Ruben B. Brooks
United States Magistrate Judge

10/23/2007 at 9:30 a.m.
Date/Time